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1 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

2 WASHINGTON, D.C. 20554

3 IN THE MATTER OF: * EB DOCKET NO. 08-85
4 BUSINESS OPTIONS, INC., * FILE NO. EB-02-TC-151
5 ORDER TO SHOW CAUSE AND * NAL ACCOUNT NUMBER:
6 NOTICE OF OPPORTUNITY * 30033217002
7 FOR HEARING * FRN: 0007179054

8 * * * * *

9 DEPOSITION OF:

10 KURTIS KINTZEL,

11 was taken July 14, 2003, commencing at 9:30 a.m.,
12 at the LaQuinta Inn, 8210 Louisiana Street,
13 Merrillville, Indiana, before Donna J. Hannah,
14 Notary Public.

15 * * * * *



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1 APPEARANCES:

2
3 On behalf of the BUSINESS OPTIONS:

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9 On behalf of the FCC:

10 TRENT B. HARKRADER, ESQ.
11 JAMES W. SHOOK, ESQ.
12 FEDERAL COMMUNICATIONS COMMISSION
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I-N-D-E-X

EXAMINATION BY:

PAGE:

Mr. Shook

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(NO EXHIBITS MARKED.)

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1 P-R-O-C-E-E-D-I-N-G-S

2 WHEREUPON --

3 KURTIS KINTZEL,

4 a Witness called for examination, having been
5 first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MR. SHOOK:

9 Q. Could you state your full name,
10 please.

11 A. Kurtis John Kintzel.

12 Q. And spell your last name, please.

13 A. K-I-N-T-Z-E-L.

14 Q. What is your residence address,
15 please.

16 A. 241 Whitethorn Lane, Valparaiso,
17 Indiana, 46383.

18 Q. Your business address?

19 A. 8380 Louisiana Street, Merrillville,
20 Indiana, 46410.

21 Q. Is that the only business address that

1 you have?

2 A. No.

3 Q. What others do you have?

4 A. I think it's 1443 East 83rd Street. I
5 can get that for you later.

6 MR. HAWA: It's a new office right
7 down the street. I think I have it.

8 Q. Is the address that you just gave me
9 in the same building as the Louisiana Street
10 address?

11 A. No, it's down the street.

12 Q. It's a separate building?

13 A. Yes.

14 Q. Is that the only other business
15 address that you have?

16 A. We have other enterprises. I own a
17 portion of a company called Total Bus.-247, which
18 is in the same building with a different suite
19 number.

20 MR. HAWA: Is it this one?

21 WITNESS: Yes. The other address is

1 1443 East 84th Place, Merrillville, Indiana,
2 46410. And I also have an office in Chicago on
3 26th Street. I don't know the street address.

4 BY MR. SHOOK:

5 Q. Is one or more of the business that is
6 conducted at the 84th Place address related in
7 any way to Business Options, Inc.?

8 A. Yes.

9 Q. In what manner?

10 A. We do our corporate affairs type work
11 out of that location. We moved out of the 8380
12 Louisiana Street address to give that area of our
13 company greater significance and to be able to
14 put more focus on it.

15 Q. To put more focus on the activities
16 going on at Louisiana Street?

17 A. On the corporate affairs portion of
18 our business.

19 Q. Okay.

20 A. So the 84th Place address, that's
21 where I go to work; that's where I go, and that's

1 where Miss Dennie and Miss Green are also
2 located. The three of us share the office.

3 Q. How long have you had the location at
4 84th Place?

5 A. I think we moved there in February of
6 this year.

7 Q. Prior to that time, your business
8 address had been the Louisiana Street address?

9 A. Yes.

10 Q. Now, with the activities that take
11 place at the 26th Street address in Chicago, are
12 those activities related in any way to Business
13 Options, Inc.?

14 A. It's a LEC, and they also are an agent
15 for Business Options, being long-distance. But
16 as an agent, maybe they bring on two or three
17 customers a week. It's minimal.

18 Q. So the 26th Street activities would
19 involve marketing?

20 A. Yes.

21 Q. Obtaining customers?

1 A. For local service.

2 Q. For local service?

3 A. Yes.

4 Q. But not for long-distance service?

5 A. It's an agent for Business Options.

6 Q. Does it serve as an agent for any
7 other company in which you have an ownership
8 interest?

9 A. No.

10 Q. Only Business Options for the sale of
11 residential long-distance service?

12 A. It sells local service. That's it's
13 primary business. And then Business Options is
14 the only long-distance carrier it services.

15 Q. Could you give us your date of birth,
16 please.

17 A. 2-12-65.

18 Q. Now, for the purposes of this
19 deposition, I am going to ask you questions about
20 various companies. Unless I phrase the question
21 otherwise, you should assume that I am asking

1 only about the company referred to in the
2 question.

3 A. Okay.

4 Q. So if for whatever reason you have got
5 some question or concern, either of you, about
6 what it is that I am asking, please feel free to,
7 you know, interrupt and say, "Could you repeat
8 the question," or, "I don't understand."

9 A. Sure.

10 Q. Or just tell me if you wish for me to
11 clarify in some manner what it is I am asking --

12 A. Okay.

13 Q. -- because I want to make sure that we
14 understand each other.

15 A. Okay.

16 MR. HAWA: And that's consistent with
17 any document as a whole -- that you are referring
18 to Business Options?

19 MR. SHOOK: Right. And sometimes
20 those documents would indicate that we are asking
21 not only about Business Options, but about other

1 companies as well. But for purposes of this
2 deposition, I am going to try to separate out the
3 various companies and hopefully clarify the
4 situation for us in a way that perhaps some of
5 our other documents have not.

6 WITNESS: Sure.

7 BY MR. SHOOK:

8 Q. I take it that you are familiar with
9 an entity named Business Options, Inc.?

10 A. Yes.

11 Q. How would you describe Business
12 Options, Inc.'s principal business?

13 A. It's a reseller of long-distance
14 telecommunications service.

15 Q. Does Business Options, Inc. currently
16 resell long-distance service?

17 A. Yes.

18 Q. Does it resell long-distance service
19 provided by Quest?

20 A. Yes.

21 Q. Does it resell long-distance service

1 provided by any other entity?

2 A. Yes.

3 Q. What other entity?

4 A. Global Crossings.

5 Q. Is that the only other entity?

6 A. Yes.

7 Q. For how long has Business Options,
8 Inc. resold long-distance service provided by
9 Quest?

10 A. I am uncertain of the exact time, but
11 I would estimate two years.

12 Q. When it comes to something like that,
13 if I ask for a period of time or date, if you do
14 not know the specific period of time, feel free
15 to say so, and I will phrase the question then in
16 terms of approximate time or approximate date.

17 A. Okay.

18 MR. HAWA: Can I interrupt for a
19 second?

20 MR. SHOOK: Sure.

21 (Discussion held off the record.)

1 MR. HAWA: You indicated in the
2 beginning that you were going to try to separate
3 the various entities and understand their
4 functions.

5 MR. SHOOK: Right.

6 MR. HAWA: The question that we have
7 is or comment that we have is that it might be
8 useful to get an overview of the various
9 companies in the beginning. I believe I had a
10 conversation with Trent about that it's quite
11 common in the telecom business to have a holding
12 company, subsidiaries, and someone else to hold
13 leases and contracts. So it might be useful to
14 have that discussion so that we can answer the
15 questions.

16 MR. SHOOK: I was going to get to the
17 overview at some point; I just didn't want to do
18 it yet.

19 MR. HAWA: Okay.

20 BY MR. SHOOK:

21 Q. So for purposes of my questions -- for

1 example, if I ask a question and you believe
2 there is an incorrect assumption that is embedded
3 in the question, certainly in your answer you can
4 point that out.

5 A. Okay.

6 (Inaudible discussion between witness
7 and Mr. Hawa.)

8 Q. Okay.

9 A. So what I answered for Business
10 Options as a reseller of Quest, the contract is
11 between Quest and Buzz Telecom.

12 Q. And by "contract," you are referring
13 to a written contract?

14 A. Yes.

15 Q. And in terms of the approximate
16 two-year period that you are talking about, do
17 you mean to say that Buzz Telecom entered into a
18 contract with Quest approximately two years ago?

19 A. Yes.

20 Q. Now, is it conceivable that you are
21 confused, and really the entity in question that

1 entered into the contract with Quest was U.S.
2 Bell, and not Buzz Telecom?

3 A. That could be.

4 Q. The reason that I ask that question is
5 because it's our understanding from documents
6 that we have reviewed -- and you can clarify that
7 understanding -- is that Buzz Telecom didn't even
8 come into existence until June of 2002.

9 A. Yes, that's correct.

10 Q. Okay. So this contract that you
11 referred to was entered into sometime in 2001, it
12 could not have been with Buzz Telecom because
13 Buzz Telecom didn't even exist; correct?

14 A. That's correct.

15 Q. Does that help refresh your memory in
16 terms of the entity that entered into the
17 contract with Quest?

18 A. Yes.

19 Q. And that entity was U.S. Bell?

20 A. Yes.

21 Q. So it's your understanding, I take it,

1 from the questions that you have answered thus
2 far, that the contract with U.S. Bell and Quest
3 also covers Business Options in terms of its
4 being able to resell long-distance service
5 provided by Quest?

6 A. Yes.

7 Q. Would it also be fair to say, then,
8 that the contract is also meant to cover Buzz
9 Telecom?

10 A. Yes.

11 Q. Would that contract with Quest, to
12 your understanding cover any entities other than
13 Business Options, Buzz Telecom or U.S. Bell?

14 A. Could you repeat the question.

15 Q. Okay. We have been talking about a
16 contract that U.S. Bell entered into with
17 Quest --

18 A. Yes.

19 Q. -- approximately two years ago for the
20 reselling of long-distance service. And I
21 understand from your answers to subsequent

1 questions that the contract covers not only U.S.
2 Bell, but also Business Options, Inc. and Buzz
3 Telecom?

4 A. Yes.

5 Q. And so my follow-up question that is,
6 are there any other entities that would be
7 covered under that contract with Quest?

8 A. No.

9 Q. You also mentioned Global Crossings.
10 For how long has -- for approximately how long
11 has Business Options, Inc. resold long-distance
12 service provided by Global Crossings?

13 A. Less than a year.

14 Q. Do you know whether the contract -- or
15 excuse me, let me back up.

16 Is there a written contract between
17 Business Options, Inc. and Global Crossings?

18 A. No.

19 Q. Is there a written contract between
20 Global Crossings and Buzz Telecom?

21 MR. HAWA: It's Global Crossing.

1 MR. SHOOK: Global Crossing?

2 MR. HAWA: Uh-huh.

3 MR. SHOOK: Well, we will clarify that
4 at a later point.

5 WITNESS: I believe it's with Buzz
6 Telecom.

7 BY MR. SHOOK:

8 Q. So along the lines of what we were
9 talking about before when we were talking about
10 the U.S. Bell/Quest contract, is it your
11 understanding that the Buzz Telecom/Global
12 Crossing contract covers Business Options?

13 A. Yes.

14 Q. Does it cover any entity other than
15 Buzz Telecom and Business Options?

16 A. No.

17 Q. I have seen the contract that you are
18 referring to between Quest and U.S. Bell, and I
19 don't have it at my fingertips. But is it your
20 recollection that you were the person who
21 executed the contract on behalf of U.S. Bell?

1 A. Yes.

2 Q. What role, if any, do you currently
3 have with Business Options, Inc.?

4 A. I am majority shareholder and chairman
5 of the board of directors and president of the
6 company.

7 Q. And when you say majority shareholder,
8 what interest are you referring to?

9 A. I have 72 percent of the shares.

10 Q. These would be voting shares of stock?

11 A. Yes.

12 Q. If you don't know, you can say so, and
13 we will try to figure it out.

14 A. I don't know.

15 Q. Who are the other owners of Business
16 Options, Inc.?

17 A. Keanan Kintzel owns 26 percent, and
18 Robert Dimmick owns two percent.

19 Q. Where is Robert Dimmick located?

20 A. Indianapolis.

21 Q. Is he actively involved in the

1 day-to-day operations of Business Options, Inc.?

2 A. No.

3 Q. You had mentioned that you are
4 currently a director of Business Options, Inc.
5 How long have you been a director?

6 A. Since 1993.

7 Q. And who are the other directors of
8 Business Options, Inc.?

9 MR. HAWA: You are referring to legal
10 officers of the company -- directors, not
11 middle-level directors?

12 MR. SHOOK: Right. I am referring to
13 the directors who would sit or be part of the
14 meeting of the board of directors, if any, when
15 such meetings take place.

16 MR. HAWA: Not like director of sales.

17 WITNESS: I understand that. I don't
18 recall if I am the only director or not. I don't
19 recall.

20 BY MR. SHOOK:

21 Q. Well, if you are possibly the only

1 director, this question may seem a little silly,
2 but I am going to ask it anyway.

3 A. Okay.

4 Q. How often do the directors of Business
5 Options meet as the board of directors?

6 A. Not often.

7 Q. Do you recall when the last such
8 meeting took place approximately?

9 A. A month ago.

10 Q. So did you actually meet with somebody
11 to discuss the affairs of Business Options, Inc.?

12 A. Yes.

13 Q. Who was that?

14 A. My corporate attorney.

15 Q. Now, is it your understanding that
16 person is or is not a director of Business
17 Options, Inc.?

18 A. He is not.

19 Q. He is not. You had also mentioned
20 that you are currently an officer of Business
21 Options, Inc. What office do you hold?

1 A. I am the president.

2 Q. How long have you been the president
3 of Business Options, Inc.?

4 A. Since 1993.

5 Q. Can you identify the other officers of
6 Business Options, Inc.?

7 A. Keanan Kintzel is secretary/treasurer
8 of Business Options, Inc.

9 Q. Are there any other officers, so far
10 as you know?

11 A. No.

12 Q. And approximately how long has Keanan
13 been an officer of Business Options, Inc.?

14 A. About nine months.

15 Q. Was there a person who held the office
16 of secretary/treasurer prior to Keanan?

17 A. Yes.

18 Q. Who was that?

19 A. William Brzycki.

20 Q. Just for the sake of the court
21 reporter, could you spell that?

1 A. I will try. B-R-Z-Y-C-K-I.

2 Q. Approximately how long did Mr. Brzycki
3 hold the office of secretary/treasurer?

4 A. I believe three years.

5 Q. Was there somebody who held the office
6 of secretary/treasurer before Mr. Brzycki?

7 A. I don't recall.

8 Q. Now, we have mentioned a number of
9 other entities, so I am going to ask many of the
10 same questions about those entities.

11 A. Okay.

12 Q. Do you currently own an interest --
13 any interest in U.S. Bell?

14 A. We did a final tax return, and I
15 believe we filed for dissolution of the company.
16 So as long as it's been dissolved, no.

17 Q. Now, there are some documents that we
18 have seen that suggest that U.S. Bell at some
19 point in time changed its name. Are you aware of
20 any such name change?

21 A. I believe it changed its name to NACI

1 for a period of time.

2 Q. Okay. The documents that we saw
3 suggested that the name change went from U.S.
4 Bell to Link Technologies.

5 A. Okay.

6 Q. Does that ring any bells?

7 A. Yes.

8 Q. Would that be accurate, that that was
9 the name change, U.S. Bell to Link Technologies?

10 A. It sounds accurate.

11 Q. Do you have any recollection as to why
12 there was a name change from U.S. Bell to
13 whatever it became?

14 A. Yes. Would you like me to give you
15 the history?

16 Q. At this point, feel free.

17 A. Okay. We started our company in 1992
18 as Business Options. In roughly 1995 or 1996 --
19 or during the initial phase of our company, we
20 only sold to businesses. In roughly 1995 or
21 1996, we started also marketing to residential

1 consumers, and the name "Business Options" became
2 somewhat confusing to those customers who we were
3 marketing. The common response was, "We are not
4 a business." So we had to explain it, and we
5 decided we should get a name that was more
6 user-friendly to the consumer.

7 We decided upon U.S. Bell as
8 descriptive of who we were. We were nationwide,
9 and we were in telephones. So that went along,
10 and we started to -- we wanted to become
11 certified as U.S. Bell and move completely away
12 from Business Options for no other reason than to
13 be user -- friendly with our consumers. At one
14 point we tried to contract with Southwestern Bell
15 to do some business with us. They replied, "Not
16 only are we not going to do a contract with you,
17 but we own the name 'Bell.' Please cease and
18 desist using the name 'Bell' in everything that
19 you do."

20 At that point, we began to survey
21 other names within the public, within our

1 consumers and within our company -- just asking
2 people. And the number one choice was Link
3 Technologies. However, I didn't care for that
4 name. But it became Link Technologies, and the
5 motion was started to get us to change the name
6 to Link Technologies. I was a little bit smarter
7 this time before we went full-blast with Link
8 Technologies. I started looking at trade
9 magazines, and there were several other companies
10 that had the word "link" in them. So I decided
11 that I didn't want to use that name and have the
12 same potential problem that we had with U.S.
13 Bell.

14 At some point my brother came up with
15 the name, North American Communications, which
16 was NACI, and which I also didn't care for. So
17 we surveyed our entire staff, and they came up
18 with a couple of choices for us. And quite
19 honestly, I didn't like any of their choices, and
20 I went with Buzz Telecom, which was a little more
21 descriptive of who we are. We are not a

1 white-collar business; that's just not who we
2 are. We felt more like Buzz Telecom.

3 Anyway, that's where the name, Buzz
4 Telecom, came from. And our goal is actually to
5 operate with just one company name and become
6 certified nationwide as Buzz Telecom and have all
7 of our contracts for Buzz Telecom. As confusing
8 as it is for you boys, it's confusing to us as a
9 company to keep all the documents in alignment.

10 So that's where we are headed. We
11 were Business Options. We have decided not to
12 market as Buzz Telecom until we have all of our
13 certifications in place and also our billing and
14 collection agreements in place. And not only
15 that the agreements are in place, but that we can
16 bill in each of the different states and through
17 all of the different LEC's. So that's a process
18 that's ongoing. We are not quite there yet.
19 Once we get there, hopefully later this year, we
20 will be licensed only as Buzz Telecom at that
21 point. We are making the proper application to

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